

**WARREN COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
FRIDAY, AUGUST 17, 2007**

The Board of Supervisors of the County of Warren convened at the Supervisors' Room in the Warren County Municipal Center, Lake George, New York, at 10:00 a.m.

Mr. William Thomas presiding.

Salute to the flag was led by Supervisor Tessier.

Roll called, the following members present:

Supervisors Gabriels, Monroe, Girard, Sheehan, Mason, O'Connor, Kenny, Belden, Bentley, W. Thomas, Tessier, Merlino, Stec, Caimano, Champagne, VanNess, Sokol, F. Thomas, Haskell, and Geraghty - 20.

Motion was made by Mr. Mason seconded by Mr. Tessier and carried unanimously, to approve the minutes of the July 20, 2007 Board Meeting, subject to correction by the Clerk.

Chairman Thomas declared the Public Hearing, regarding the proposed Local Law No. 9 of 2007, entitled "A Local Law Amending Local Law No. 5 of 2007, Modifying Residency Requirements for Administrator of Westmount Health Facility", open at 10:01 a.m. and requested the Clerk read the Notice of Public Hearing.

Clerk read the Notice of Public Hearing.

There being no one wishing to speak on the proposed Local Law No. 9 of 2007, Chairman Thomas closed the Public Hearing at 10:04 a.m.

Chairman Thomas extended privilege of the floor to Supervisor Belden. Mr. Belden announced that the Town of Hague would be celebrating their Bi-Centennial this weekend, August 17 through August 19, 2007. He outlined the events that would be taking place over the weekend to celebrate the 200th Anniversary of the Town of Hague. He invited all the Supervisors to attend.

Chairman Thomas extended privilege of the floor to Dave Wick, District Manager of the Warren County Soil and Water Conservation District. Mr. Wick presented a power point presentation for the Soil and Water Conservation District Annual Report, a copy of which is on file with the minutes. Mr. Wick reviewed the report in detail and highlighted the recent projects that his Office was working on. He noted that the Soil and Water Conservation District had received approximately \$2.5 million in grant funds over the past five years which, partnered with County funding, had allowed his Office to achieve the accomplishments that he reviewed. Mr. Wick introduced Ed Milner, Chairman of the Board of Directors for the Warren County Soil and Water Conservation District. Mr. Milner said he was extremely proud of the District and all the individuals involved with it. Mr. Wick also acknowledged Supervisors Mason and F. Thomas, who were members of the Board of Directors as well. Mr. Mason noted that the presentation accurately outlined the amount of work that the Soil and Water Conservation District did, particularly for each of the townships in the County and he said he looked forward to that collaboration continuing. Mr. F. Thomas complimented the staff of the

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Soil and Water Conservation District on the amount of work that they accomplished, the projects they undertook, and specifically Mr. Wick on his outstanding leadership.

Chairman Thomas announced there would be a Special Board Meeting on September 7, 2007 at 10:00 a.m. for the purpose of conducting a Public Hearing on the Airport Lease Agreement with Schermerhorn Aviation and to discuss a possible increase in sales tax. He further announced that on August 30, 2007 at 11:00 a.m. a meeting would be held in the Board of Supervisors' Room with NYSAC (New York State Association of Counties), representatives of the Hudson Headwaters Health Network, State Legislators and local elected officials to discuss the problem of access to primary health care in the Adirondack region. He added that the Adirondack Park Agency (APA) was interested in getting involved with this as well. He noted that NYSAC planned to issue a press release following the meeting. Chairman Thomas apprised that the 2005 Proceeding books were distributed to the Supervisors today and any departments that requested a copy may stop at the Office of the Clerk of the Board to pick it up.

Chairman called for reports by Committee chairmen on past activities and the following gave verbal reports:

Supervisor Belden, Real Property Tax Services and DPW; Supervisor Gabriels, Personnel/Human Resources; Supervisor Monroe, Finance and Ad Hoc Sales Tax; Supervisor Sheehan, Information Technology; Supervisor Mason, Health Services; Supervisor O'Connor, Mental Health; Supervisor Tessier, Tourism, Social Services and Criminal Justice; Supervisor Stec, Planning and Community Development; Supervisor Champagne, Community College; Supervisor VanNess, Fire Prevention and Control; Supervisor F. Thomas, Legislative; and Supervisor Geraghty, Insurance.

In connection with the Real Property Tax Services Committee, Mr. Belden advised the "Last Chance" meeting had been held with regard to delinquent property taxes. He noted that approximately eight to ten property owners were present and received authorization for extension on payment due dates or initiated payment plans. With regard to the DPW Committee, Mr. Belden said approval had been given in relation to a number of Capital Projects, bridges and restructuring of County roads. He advised that the Department would be requesting an increase in the 2008 County budget for road projects, bridges and equipment.

Concerning the Personnel/Human Resources Committee, Mr. Gabriels stated that the retirement of Marv Lemery as Administrator of Building Codes and Fire Prevention had created a number of changes; however, he said, all were done efficiently. He added that discussions were held concerning contractual understandings with the Director of Human Resources.

In relation to the Finance Committee, Mr. Monroe advised that the meeting consisted primarily of increases in revenues and appropriations. He further stated that with regard to the Ad Hoc Sales Tax Committee, discussions were centered around an increase in sales tax and the Committee had requested the County Attorney's opinion if there were any purchases

that could be exempted if the County did impose an additional sales tax. He noted that the County Attorney had responded that it was theoretically possible, yet not likely.

With regard to the Information Technology Committee, Mr. Sheehan expounded that the Committee had reviewed the survey concerning the Supervisors desire to have individual laptops in the Board Room and the results were split; therefore, he said, there would be no action taken until additional discussions were held.

Mr. Mason advised that the Health Services Committee had considered vehicle fleet management and also discussed legislation proposed to ban the use of transfats. He added there had been a problem with an audit that the Committee was working on resolving.

In connection with the Mental Health Committee, Mr. O'Connor stated that they were working on their budgets with their subordinate agencies for the review process. He noted that other issues that were discussed were related to usual business.

Concerning the Tourism Committee, Mr. Tessier apprised that Luisa Sherman, of the Warren County Council of Chambers, was at the meeting and had presented a list of upcoming events throughout the County. He noted that the Social Services Committee received and reviewed a report on the amount of overtime coverage used in the division of Child Protective Services (CPS). Mr. Tessier stated that the Criminal Justice Committee had discussed with the District Attorney, Kate Hogan, the issues regarding sex offender cases and litigation. He added that the District Attorney advised that area schools had no policies in place relative to the issue of sex offenders. He further stated that Ms. Hogan was planning a workshop meeting between the Warren County Sheriff's Department, the New York State Police, the Glens Falls Police Department and any Committee members that were interested in attending.

Mr. Merlino reported on the progress of the train stations in the Town of Hadley and the Town of Thurman. He stated that he had attended a meeting in which a representative from Congresswoman Gillibrands' Office was in attendance. He further noted that the Congresswoman would be researching the \$2 million that was in Albany which was to be allocated to the rehabilitation of the train stations.

With regard to the Planning and Community Development Committee, Mr. Stec expounded that the Committee needed to respond to the State by December 1, 2007 as to whether or not the County wanted a more detailed scale on the aerial photography for the GIS (Geographic Information System). He noted that discussions at the Committee level included the possible sharing of costs between the County and the individual towns.

In connection with the Community College Committee, Mr. Champagne advised Resolution No. 521 of 2007 included in the Supervisors' packets, was related to the Adirondack Community College (ACC) Budget for 2007-2008. He pointed out that there was a zero increase requested from the County budget and the increase to the ACC budget would be allocated from the ACC fund surplus. He stated that the overall increase to the budget was 2.94%. Mr. Champagne acknowledged Ron Heacock, President of ACC, who was at the

meeting today.

In relation to the Fire Prevention and Control Committee, Mr. VanNess said that Resolution Nos. 551 through 553 included in the packets were regarding the creation of the Office of Emergency Services. He added that the Committee had overwhelmingly recommended the appointment of Karen Putney to the position of Administrator of Fire Prevention and Building Code Enforcement, as well as an overwhelming endorsement of Marv Lemery to the position of Director of the Office of Emergency Services, as well as remaining the part-time Fire Coordinator. Mr. VanNess recognized Mrs. Putney and congratulated her on the appointment.

Concerning the Legislative Committee, Mr. F. Thomas expounded that two resolutions included in the packets were referrals from the Insurance Committee, opposing proposed legislation regarding self-insured Workers Compensation and temporary disability insurance coverage for family leave, both of which would cost the County a considerable amount of money if the legislation were to pass. He noted the third item was with regard to the Great Lakes-St. Lawrence River Basin Water Resources Compact.

With regard to the Insurance Committee, Mr. Geraghty apprised the Committee had approved the 2008 Self-Insurance Budget to be referred to the Budget Officer. He added that discussions were held concerning the 2008 Workers Compensation rates. He noted that there was also a request to increase the proposed Safety Committee Budget for 2008 to allow the County to offer driving training to its employees. Mr. Geraghty stated that included in the Supervisors' packets was a resolution awarding the contract for insurance broker services for the County.

Chairman called for reading of communications.

Clerk read communications, including the following:

Minutes from:

- Warren/Washington Counties IDA;
- Warren/Washington Counties Mental Health Subcommittee.

Monthly Reports from:

- Probation;
- Weights & Measures;
- Veterinarian.

Capital District Off-Track Betting, July and August surcharge in the amount of \$16,080 and \$15,472, respectively and May 31 and June 30, 2007 Financial Reports;

Letters from Richard and Persis Granger, Tony Tosti and Dean and Christina Holbrook, in opposition of the proposed Mohring ATV/motorcycle and campground development in Johnsburg and Thurman;

Communications, resolutions and reports ordered placed on file.

Chairman called for reading of resolutions and discussion.

Mr. Kenny requested a roll call vote on Resolution No. 486, Authorizing that Bids be Obtained for the Construction of the Proposed Rail Stations in the Town of Hadley and the Town of Thurman, with the Option of Awarding the Bid for Each or Both to the Lowest Responsible Bidder(s).

Joan Sady, Clerk of the Board, advised that Resolution Nos. 485 through 548 were mailed and a motion was needed to bring Resolution Nos. 484 and 549 through 559 to the floor. Motion was made by Mr. Sheehan, seconded by Mr. F. Thomas and carried unanimously to bring Resolution Nos. 484 and 549 through 559 to the floor.

Chairman Thomas requested that Mr. Geraghty explain Resolution No. 559, regarding insurance broker services. Mr. Geraghty explained that the Insurance Committee had interviewed five insurance brokers and had agreed that the proposal from Cool Insuring Agency, Inc. offered the most expertise in insurance and they felt that Cool Insuring Agency, Inc. was the best broker to serve the County. He further explained that the reasons for rejecting lower proposals and accepting the proposal with Cool Insuring Agency, Inc. were as follows: they had demonstrated exceptional municipal expertise; they demonstrated an understanding of municipal budgets; they had represented other municipalities; they had nursing home expertise; they were a member of the New York State Association of Homes and Services for the Aging; they had New York City broker experience; they were a local agency that would be readily accessible; and they also believed they could save Warren County a minimum of \$100,000 in premiums for the fiscal year 2008. He noted that Cool Insuring Agency, Inc. had advised that if they could not save Warren County a minimum of \$100,000 in premiums, they would forego their brokerage fee of \$40,000 for the year 2008.

Mr. Kenny questioned if the other bidders were given the opportunity to express how much they could save the County if they were selected to be the broker. He further stated it seemed unusual to award the bid to the sixth highest bidder. Mr. Gabriels responded, as a member of the Insurance Committee, that the issue of foregoing the brokerage fee if a savings of a minimum of \$100,000 in premiums was not achieved was raised by the Agent to the Committee, and no other Agent had made that offer. Mr. Gabriels also noted that Cool Insuring Agency, Inc. had informed the Committee that the insurance industry had softened and therefore had become a buyers market rather than a sellers market, which, he said, was very enlightening. He added the other candidates had that opportunity; however, they had failed to bring that to the Insurance Committee's attention. He said that the presentation given by Cool Insuring Agency, Inc. was a stellar performance and head and shoulders above the rest.

Mr. Sokol echoed Mr. Gabriels comments and added that the Cool Insuring Agency, Inc. answered every question before the Committee could even present their questions. He further stated that this proposal came at the very end of their presentation, which had minimal impact on the Committee's decision.

Mr. O'Connor asked what the difference in the premium was between Cool Insuring Agency, Inc. and the lowest bidder; and Mr. Geraghty replied \$13,500.

Mr. Monroe wondered if a proposal was accepted that was not part of the original specifications, would it be necessary to re-bid the request. Paul Dusek, County Attorney, said under these circumstances he did not feel that re-bidding the request was necessary because the comment made by Cool Insuring Agency, Inc. proved that they were very confident that they would save the County money in premiums; therefore, they were willing to forego their \$40,000 brokerage charge. Mr. Dusek added that this was an 'after-the-fact' presentation by the organization, and they had indicated and demonstrated exceptional municipal expertise throughout their presentation. For example, he said, Cool Insuring Agency, Inc. had taken the initiative to review the Sheriff's Office and suggested that the County look into health insurance to cover inmate costs. He further clarified that this was an extra that the organization had voluntarily thrown in and was not the deciding factor.

Mr. Haskell agreed with the comments made and said that Cool Insuring Agency, Inc. was hands down over the rest. He noted that the organization had reviewed the County budget, the County jail and the nursing home prior to giving their presentation.

Mr. Stec advised he had not been involved in earlier discussions with regard to this issue; however, he said, he wanted to reassure the Supervisors that they were not required to accept the low bidder.

Mr. F. Thomas stated he was most impressed with the fact that Cool Insuring Agency, Inc. had volunteered to review NYMIR's (New York Municipal Insurance Reciprocal) rates, which insured many County operations, and compare those rates to private entities, and they would negotiate with NYMIR to reduce the rate that they were charging the County.

Mr. Kenny referred to Resolution No. 508 of 2007, Appointing Director of the Office of Emergency Services for Warren County. He noted he was in favor of the appointment and felt that the County was very lucky to have Mr. Lemery; however, he said, he did have concerns that the hours of duty were not defined. He added that he did understand that Mr. Lemery was on-call twenty-four hours a day, seven days a week, yet he was trying to ward off any public criticism of the County making an appointment to a position with no hours of duty listed. Mr. VanNess replied the intent was that Mr. Lemery would be working in a part-time capacity, which positions were twenty-hours per week within the County. Mr. Geraghty added that Mr. Lemery did attend evening meetings on a weekly basis, as well as fire calls. Mr. Dusek suggested that it could be stated that it was anticipated that the job would average, on a yearly basis, twenty hours per week.

Mr. Merlino referred to Resolution No. 501 of 2007, Approving Tentative Budget for Adirondack Community College and Providing for Public Hearing. He questioned if \$22 million was the entire budget for the College and Mr. Caimano replied affirmatively. Mr. Merlino added he thought that was phenomenal. Mr. Monroe said he recalled discussions with regard to using the surplus and a recommendation from the Comptroller to try to keep the surplus in

the range of 5% to 10%. He asked how much surplus was being used and what the remaining balance of surplus would be. Mr. Caimano responded that it was allowable to use a portion of surplus to offset any increases and he added that was what was being done this year in order to keep the County increase at zero. He further stated that he had requested that after the adoption of the budget he would like to go to the Comptroller's Office and have an audit performed of the entire surplus system at the College. Mr. Monroe said he remembered discussions of the desire to keep the fund balance at \$1 million in order to stabilize taxes. President Heacock agreed with the comments made and said the issue would be resolved this year in order to provide definitive answers as to how the surplus fund balance could be used. Mr. Champagne advised that he had requested Hal Payne, Commissioner of Administrative and Fiscal Services, to obtain copies from the SUNY (State University of New York) Administration of policies and procedures that they had in place with regard to the fund balance, prior to conducting an audit.

Mr. Stec requested a roll call vote on Resolution No. 559, Rejecting Lower Proposals; Accepting Proposal and Authorizing Agreement with Cool Insuring Agency, Inc. for RFP for Insurance Broker Services-Property & Casualty Insurance (WC 54-07).

Chairman Thomas called for a vote on the resolutions.

Resolution Nos. 484 through 559 were approved.

Chairman Thomas extended privilege of the floor for announcements.

Mr. Kenny announced that the City of Glens Falls would be celebrating the completion of the restoration project in downtown today from 3:00 p.m. to 8:00 p.m. and there would be food vendors and activities. He invited all Supervisors to attend.

Chairman Thomas recognized Chuck Fiegl, the new reporter with the Post Star, who was at the meeting today.

Mr. Haskell stated he went to the Town of Lake Luzerne for a meeting yesterday and noted that there were remarkable changes in the Town. He commended Mr. Merlino for the work he had accomplished.

Mr. Stec advised that the construction of the connector road in relation to the Corinth Road Project was well under way. He added that he expected the road to be completed in approximately ninety days, as well as the construction of the new Tribune Media building.

Mr. Girard announced that the Golden Eagles Baseball Team that played at East Field had completed their season and they had won the Eastern League Division.

There being no further business, on motion by Mr. Stec and seconded by Mr. Merlino, Chairman Thomas adjourned the meeting at 11:26 a.m.

